



06-CV-05488-CMP

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CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA DEPUTY	

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

KATHERINE B. MAYNARD,  
Plaintiff,

v.

PREMIERE CREDIT OF NORTH AMERICA,  
LLC,  
Defendant,

06 5488 JKA

COMPLAINT

Debt Collection Harassment;  
Violation of 15 USC § 1692; Or. Rev.  
Stat. 646.639 *et. sec.*; Cal. Civil Code  
§ 1788 *et. sec.*

COMPLAINT

Jury Trial Demanded

I. PRELIMINARY STATEMENT

1. This is an action for money damages brought by a consumer against a debt collection agency for unlawful debt collection activity.
2. This action is brought pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 USC § 1692, *et seq.*, which prohibits abusive, deceptive and unfair

1 debt collection practices.

2 3. Plaintiff's claims arise from Defendant's attempts to collect a debt in the states  
3 of California, Oregon, North Carolina, and Washington through means and facilities of  
4 interstate commerce, telephone systems, and the US Postal Service.

5  
6 II. JURISDICTION

7 4. Jurisdiction of this court arises under 15 U.S.C. §1692 k(d).

8  
9 III. PARTIES

10 5. Plaintiff is a natural person residing in the state of Oregon and working in the  
11 state of Washington. Plaintiff is a consumer.

12 6. Defendant Premiere Credit of North America, LLC, is a collection agency with  
13 its principal place of business in Indianapolis, Indiana and a debt collector.

14  
15 IV. FACTUAL ALLEGATIONS

16  
17 7. Defendant attempted, on multiple occasions, to collect a consumer debt from  
18 Plaintiff by making telephone calls and sending correspondence.

19 8. Defendant contacted Plaintiff's employer on multiple occasions speaking with  
20 co-workers and the owner of the company.

21 9. Defendant, in said telephone conversations, disclosed the alleged debt and  
22 further improper information to Plaintiff's co-workers and employer.

23 10. Defendant pretended to be calling from the California State Bar Association by  
24 leaving a message for Plaintiff with Plaintiff's co-worker that the Bar would be  
25 suspending her license to practice law within nine days.  
26

1 11. Said telephone conversations were used to threaten Plaintiff and to investigate  
2 Plaintiff's position and job duties at her current employer.

3 12. Defendant represented to Plaintiff's employer that they had an order of  
4 garnishment which they were going to serve if Plaintiff did not pay the debt.

5 13. Defendant sent fax communications to Plaintiff's employer clearly labeling  
6 itself as "Premiere Creditors."

7 14. Defendant made threats of actions that it could not, or alternatively did not,  
8 intend to take during some of its telephone calls.

9 15. Defendant contacted friends and/or relatives of Plaintiff and discussed issues  
10 other than the location or contact information of the Plaintiff.

11 16. Defendant stated and/or implied to multiple third parties and to Plaintiff that it  
12 would cause specific government agencies to act against Plaintiff including but not  
13 limited to the California State Bar Association taking action against the current status  
14 of her license.

15 17. Defendant did not respond to Plaintiff's request for accounting information  
16 regarding the loans specifically payments credited, balances due, etc.

17 18. On a regular and excessive basis, frequently several times daily, Defendant  
18 caused to be left by pre-recorded means lengthy, harassing and annoying  
19 messages on Plaintiff's answering machine.

20 19. On several occasions Defendant also caused the same pre-recorded lengthy,  
21 harassing and annoying messages to be left on Plaintiff's employer's answering  
22 machine.

23 20. The unlawful actions of Defendant caused me emotional distress including  
24 anxiety, worry, embarrassment, fear, etc.

25 ///

26

V. FIRST CLAIM FOR RELIEF

21. Matters alleged in paragraphs 1 through 20 above are incorporated herein by reference.

22. Within the year preceding filing of the complaint and during the course of attempting to collect the debt, Defendants used false, deceptive and misleading representations and means by threatening actions in collection of a debt that Defendant did not intend to take.

23. Within the year preceding filing of the complaint and during the course of attempting to collect the consumer debt, Defendants used unfair and unconscionable means by attempting to collect a consumer debt by using a threats, intimidation, by contacting her employment for improper purposes, by communicating personal information in writing via open fax for all to read. Defendant knew, or should have known, that such actions caused risk of termination of Plaintiff's employment, and/or fear in Plaintiff that she would be terminated from her employment, and or that her license to practice law would be affected by non-payment.

24. Pursuant to 15 USC § 1692k(a)(1), Defendant is liable to Plaintiff for her actual damages according to proof.

25. Pursuant to 15 USC §1692k(a)(2)(A), Defendant is liable to Plaintiff for \$1,000.00 in statutory damages.

26. Pursuant to 15 USC § 1692k(a)(3), Plaintiff is entitled to her reasonable attorney fees and costs herein.

VI. SECOND CLAIM FOR RELIEF

27. Plaintiff incorporates paragraphs 1-21 as though fully restated herein.

28. The above actions were taken by Defendant in violation of Or. Rev. Stat.

1 646.639 *et. sec.*

2 29. Pursuant to Or. Rev. Stat. 646.641 Plaintiff is entitled to her damages, or  
3 \$200.00, which ever is greater.

4 30. Because Defendant's actions were of such an egregious nature, Plaintiff is  
5 entitled to punitive damages in an amount to be proved at trial. Or. Rev. Stat. 646.641.

6 31. Pursuant to Or. Rev. Stat. 646.641 Plaintiff is entitled to her reasonable attorney  
7 fees.

8  
9 VII. THIRD CLAIM FOR RELIEF

10 32. Plaintiff incorporates paragraphs 1-21 as though fully stated herein.

11 33. The above actions were taken by Defendant in violation of Cal. Civil Code §  
12 1788 *et. sec.*

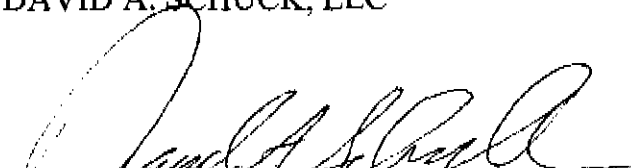
13 34. Pursuant to Civil Code § 1788.30 Plaintiff is entitled to her actual damages,  
14 plus \$1,000.00 for Defendant's wilful violations.

15 35. Pursuant to Civil Code § 1788.30 Plaintiff is entitled to attorney fees in the  
16 prosecution of this action.

17  
18 WHEREFORE, plaintiff demands judgment in her favor and against Defendant  
19 on each of her claims for actual damages, statutory damages, punitive damages, and  
20 for her attorney fees.

21 DATED: August 21, 2006.

22 DAVID A. SCHUCK, LLC

23  
24 

25 DAVID A. SCHUCK, WSBA 37285  
26 Attorney for Plaintiff